

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DIANA MEY, on behalf of herself,
and a class of all persons and
entities similarly situated,

Plaintiff,

v.

Civil Action No. 5:08CV156
(STAMP)

ONE STOP MOTORS, INC., incorrectly
denominated as One Stop Motors,
a Nevada corporation,

Defendant.

**ORDER APPROVING PARTIES' STIPULATION
OF DISMISSAL PURSUANT TO RULE 41(a),
DENYING AS MOOT MOTION TO REMAND,
DENYING AS MOOT PLAINTIFF'S MOTION FOR
LEAVE TO FILE FIRST AMENDED COMPLAINT AND
DENYING AS MOOT MOTION TO WITHDRAW AND TO ENLARGE**

On July 24, 2009, the parties filed a stipulation of dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, stating that the individual claims of Diana Mey against One Stop Motors, Inc. ("One Stop Motors") had been fully and confidentially compromised.

This Court reviewed the parties' stipulation of dismissal and found that because Diana Mey filed this civil action "on behalf of herself and a class of all persons and entities similarly situated," a hearing was necessary to determine if the settlement was prejudicial to absent putative class members. See Shelton v. Pargo, Inc., 582 F.2d 1298, 1314 (4th Cir. 1978) ("[T]he court must, after a careful hearing, determine what 'claims are being compromised' between the plaintiff and the defendant and whether

the settling plaintiff has used the class action claim for unfair personal aggrandizement in the settlement, with prejudice to absent putative class members."). The Court further ordered the parties to submit to the Court any written settlement agreement that the parties entered into for in camera review.

This Court held a hearing regarding the parties' stipulation of dismissal on August 10, 2009, at which time it informed the parties that it thoroughly reviewed the settlement agreement. After hearing from the parties, and satisfied that the settlement agreement did not prejudice any potential class members, this Court approved the stipulation of dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure entered into between the parties.

Accordingly, it is ORDERED that this civil action is DISMISSED WITH PREJUDICE as to the plaintiff Diana Mey. As to any other potential class members, this civil action is DISMISSED WITHOUT PREJUDICE. Furthermore, in light of this Court's decision, the plaintiff's motion to remand is DENIED AS MOOT; the plaintiff's motion for leave to file first amended complaint is DENIED AS MOOT; and the defendant's counsel's motion to withdraw and to enlarge is DENIED AS MOOT.

This order confirms the pronounced rulings of the Court at the August 10, 2009 hearing.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: August 14, 2009

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE